

## Introduced by Senator Margett

February 21, 2003

An act to amend Section 3001 of the Penal Code, relating to parole.

## LEGISLATIVE COUNSEL'S DIGEST

SB 781, as introduced, Margett. Parole.

Existing law specifies the period of parole for various crimes for which an inmate has been imprisoned in the state prison, and provides for the discharge of certain persons from parole prior to the end of that period, as specified, unless the Department of Corrections recommends to the Board of Prison Terms that the person be retained on parole and the board, for good cause, determines that the person will be retained on parole.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3001 of the Penal Code is amended to  
2 read:  
3 3001. (a) Notwithstanding any other provision of law, when  
4 any person referred to in paragraph (1) of subdivision (b) of  
5 Section 3000 who was not imprisoned for committing a violent  
6 felony, as defined in subdivision (c) of Section 667.5, has been  
7 released on parole from the state prison, and has been on parole  
8 continuously for one year since release from confinement, ~~within~~  
9 ~~30 days~~, that person shall be discharged from parole *within 30*

1 *days*, unless the Department of Corrections recommends to the  
2 Board of Prison Terms that the person be retained on parole and  
3 the board, for good cause, determines that the person will be  
4 retained. Notwithstanding any other provision of law, when any  
5 person referred to in paragraph (1) of subdivision (b) of Section  
6 3000 who was imprisoned for committing a violent felony, as  
7 defined in subdivision (c) of Section 667.5, has been released on  
8 parole from the state prison for a period not exceeding three years  
9 and has been on parole continuously for two years since release  
10 from confinement, or has been released on parole from the state  
11 prison for a period not exceeding five years and has been on parole  
12 continuously for three years since release from confinement, the  
13 department shall discharge, ~~within 30 days~~, that person from  
14 parole *within 30 days*, unless the department recommends to the  
15 board that the person be retained on parole and the board, for good  
16 cause, determines that the person will be retained. The board shall  
17 make a written record of its determination and the department shall  
18 transmit a copy thereof to the parolee.

19 (b) Notwithstanding any other provision of law, when any  
20 person referred to in paragraph (2) or (3) of subdivision (b) of  
21 Section 3000 has been released on parole from the state prison, and  
22 has been on parole continuously for three years since release from  
23 confinement or since extension of parole, the board shall  
24 discharge, ~~within 30 days~~, the person from parole *within 30 days*,  
25 unless the board, for good cause, determines that the person will  
26 be retained on parole. The board shall make a written record of its  
27 determination and the department shall transmit a copy thereof to  
28 the parolee.

29 (c) In the event of a retention on parole, the parolee shall be  
30 entitled to a review by the parole authority each year thereafter  
31 until the maximum statutory period of parole has expired.

32 (d) The amendments to this section made during the 1987–88  
33 Regular Session of the Legislature shall only be applied  
34 prospectively and shall not extend the parole period for any person  
35 whose eligibility for discharge from parole was fixed as of the  
36 effective date of those amendments.

